



CR-2000-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(234)

CR-2000-2018

Date of decision: - 05.08.2025

Mahabir

....Petitioner

Versus

Beer Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. J.S. Dahiya, Advocate, for the petitioner.

Mr. Parveen Kaushik, Advocate, for the respondents.

VIKAS BAHL, J. (ORAL)

1. Present civil revision has been filed under Article 227 of the Constitution of India against the order dated 17.01.2018 passed by the Civil Judge (Junior Division), Jhajjar, in execution application No.22 of 2017, whereby the property of the petitioner has been attached and affixed for being auctioned.

2. Learned counsel for the petitioner and learned counsel for the respondents have jointly submitted that since the petitioner had already deposited the decretal amount, thus, the prayer for setting aside the auction has been rendered infructuous. It is further jointly submitted that the present petitioner had filed an appeal against the judgment and decree dated 25.01.2016 and have prayed that the present revision petition be

disposed of by permitting the respondents to withdraw the said decretal amount, which had been deposited by the petitioner before the executing Court, subject to surety and the same be also made subject to the decision in the said appeal.

3. Keeping in view the above-said facts and circumstances and on the basis of the consensus, the present revision petition is disposed of with the following directions/observations: -

- (i) The decretal amount deposited by the petitioner before the executing Court would be released to the respondents (decree holders) in accordance with the decree, subject to their furnishing surety to the satisfaction of the executing Court.
- (ii) In case the appeal filed by the petitioner is allowed, then, the respondents would be liable to return the said amount to the petitioner. Needless to say, in case, the appeal is dismissed, then, the respondents would not need to return the said amount.
- (iii) This Court has not opined on the merits of the said appeal and the same would be considered independently, after hearing both the parties, in accordance with law.

August 05, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No